

ORIGINAL

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of Section 73.202(b) )  
Table of Allotments )  
FM Broadcast Stations )  
(Cross Plains, Haskell, Howe, Jacksboro, )  
and Snyder, Texas; Ardmore and Eldorado, )  
Oklahoma) )

MM Docket No. 98-198  
RM-9304

**RECEIVED**

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**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**JOINT COUNTERPROPOSAL AND GLOBAL RESOLUTION OF  
MM DOCKET NOS. 97-26 AND 97-91**

Heftel Broadcasting Corporation ("Heftel"), Metro Broadcasters-Texas, Inc. ("Metro"), Jerry Snyder and Associates, Inc. ("JSA") and Hunt Broadcasting, Inc. ("Hunt") (collectively "joint parties"), by their respective counsel, hereby present a proposal for consideration which is intended to resolve to the satisfaction of all parties all requested facility changes or new allotments in MM Docket Nos. 97-26 and 97-91 Report and Order, 13 FCC Rcd \_\_\_\_ (1998). Currently, the Commission has pending two Applications for Review and one Petition for Reconsideration and numerous responsive pleadings pending in these dockets. By this proposal, the joint parties do not reargue the merits of their positions in MM Docket 97-26 or 97-91. Rather, this instant proposal is intended to stand on its own and render the pending Applications for Review and Petition for Reconsideration moot. The joint parties believe this proposal is straight-forward, will cause a minimum of disruption to existing stations and avoid the need for the Commission to issue an order which can not accommodate all parties and will therefore likely result in further administrative or judicial appeals. In support hereof, the joint parties state as follows:

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## **BACKGROUND**

1. In MM Docket No. 97-26, Metro filed a counterproposal to substitute Channel 237C2 for Channel 237C3 at Howe, Texas for Station KHYI and to modify its license, accordingly. In order to upgrade to Channel 237C2, Metro requested the substitution of Channel 294C2 for Channel 238C2 at Hugo, Texas. The Hugo licensee, K95.5, Inc. ("K95.5"), objected to this change.

2. In MM Docket No. 97-91, Heftel requested that Channel 300C1 be substituted for Channel 300C2 for Station KDOS (formerly KECS) and that its city of license be changed from Gainesville to Lewisville, Texas, as a first local service. That proposal required the downgrade of Station KICI on Channel 300C1 to Channel 300A and its reallocation to Robinson, Texas as a first local service. In addition, Heftel proposed to substitute Channel 237A for Channel 299A at Jacksboro, Texas for Station KJKB. However Station KYXS at Mineral Wells, Texas had an application pending for Channel 240C1 which conflicted with the proposed Channel 237A substitution at Jacksboro. As a result, Heftel entered into an agreement with JSA, licensee of KYXS, whereby Heftel would reimburse JSA for the costs of changing its current transmitter site and amending its pending application to a site which eliminated the conflict with KJKB on Channel 237A.

3. Metro's proposal to upgrade KHYI on Channel 237C2 also conflicted with the proposed substitution of Channel 237A at Jacksboro. Thus, the focal point for the conflict in each of the three proposals (Metro's KHYI upgrade, Heftel's KDOS reallocation and JSA's Mineral Wells upgrade) was the Channel 237A substitution at Jacksboro. If another channel could be substituted at Jacksboro, the link between the three proposals could be broken. That is what this global resolution intends to accomplish.

4. The Commission's R&O granted the Heftel proposal for Lewisville<sup>1</sup> but did not allow reimbursement for JSA's Class C1 amended application for KYXS beyond expenses in accordance with Section 1.420(j) of the Commission's Rules. As a result, the agreement between the parties could not be effectuated forcing the Commission to choose between Heftel's proposal and JSA's application. That decision is now pending. In addition Metro's upgrade proposal was denied because according to the Allocations Branch, Metro failed to timely state that it would reimburse Station KITX, Hugo for its channel change.

#### **GLOBAL RESOLUTION**

5. As the focal point for a resolution of these two pending proceedings, Station KJKB, Jacksboro can change channels to Channel 238A at a new transmitter site.<sup>2</sup> By doing so, there would no longer be a conflict between the Heftel and JSA proposals nor between the Heftel and Metro proposals. The attached engineering statement at Figure 4 indicates that Channel 238A can be allotted to Jacksboro provided additional changes are made as follows:

	<u>Current</u>	<u>Proposed</u>
Haskell, Texas (KVRP)	238C1	246C1
Snyder, Texas (Vacant)	246A	249A
Eldorado, Oklahoma (Vacant)	246A	245A
Cross Plains, Texas (Proposed)	245C3	290C3

6. In addition, Station KKAJ, Ardmore, Oklahoma has agreed to change its transmitter site, if necessary, on Channel 239C1. Thus the global resolution can be accomplished with one only channel change (Haskell), one site relocation (Ardmore), two vacant channel substitutions (Snyder

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1. In view of the Commission's finding in MM Docket No. 97-91 that Lewisville deserves a first local service, no such showing is made here.
  2. There is no other pending proceeding to change KJKB's channel following the final decisions in MM Docket Nos. 96-10 and 97-225 which has now rendered MM Docket No. 97-104 moot.

and Eldorado) and one proposed channel substitution (Cross Plains). Each of these proposals will be discussed in more detail, *infra*.

7. As a result of these channel or site changes (1) Heftel can provide Lewisville (pop. 46,521) and Robinson (pop. 7,111) with two first local services and a net overall gain in service to 3,248,422 persons; (2) JSA can upgrade to a Class C1 facility at its preferred site; (3) Metro can upgrade to a Class C2 facility at a new site which it finds acceptable; (4) K95.5 can avoid a channel change at Hugo; and (5) new channels can be provided to Detroit, Texas and Antlers, Oklahoma.<sup>3</sup> In short, every party is accommodated and the Commission is finally able to resolve a longstanding and hotly contested proceeding which, unfortunately, up to now has failed to achieve a public interest benefit for any of the stations involved.

8. The NPRM in this proceeding proposed the allotment of Channel 245C3 to Cross Plains, Texas. The instant joint counterproposal contains a channel substitution which conflicts with that proposal. An alternate channel is proposed for Cross Plains.

9. One final preliminary matter involves the separate filings by (1) First Broadcasting Management, LLC., Gain-Air, Inc., and KCYT License Corp. (a subsidiary of Heftel Broadcasting Corporation) and (2) WBAP/KSCS Operating, Ltd. and Blue Bonnet Radio, Inc. in this proceeding. Although each has a common conflict with Cross Plains, neither of the other two proposals conflict in any way with this filing nor do those filings conflict with each other. Therefore, there are no conflicts of which the joint parties are aware at this time making the processing of each filing subject to a lesser procedural scrutiny standard.

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3. Graham Newspapers, Inc., licensee of Station KWKQ can pursue its upgrade on Channel 296C2 unaffected by this proposal. In an earlier counterproposal in this proceeding filed by First Broadcasting Management, LLC., Gain-Air, Inc. and KCYT-FM License Corp., Station KWKQ agreed to change channels to Channel 234C3 at a new transmitter site.

## **COMPLIANCE WITH THE COMMISSION'S TECHNICAL RULES**

### **A. Station KJKB, Jacksboro, Texas**

10. Channel 238A is proposed for substitution for Station KJKB, Jacksboro, Texas at a new transmitter site. See Engineering Statement, Figures 4 and 5. This substitution will require a channel substitution at Haskell, Texas and site relocations at Ardmore, Oklahoma and Mineral Wells, Texas (reference point only). Hunt, one of the joint parties, hereby states that it is willing to change channels and transmitter sites provided it is reimbursed. As indicated earlier, Hunt and Heftel have entered into a reimbursement agreement to cover the expenses. Heftel hereby states that it will reimburse KJKB for its reasonable costs in changing to Channel 238A.<sup>4</sup> At KJKB's new site, a net gain in population of 1,604 persons will be provided. See Figure 8.

### **B. Station KVRP, Haskell, Texas**

11. In order to substitute Channel 238A at Jacksboro, Channel 246C1 is proposed to be substituted for Channel 238C1 at Haskell, Texas at the current licensed site provided channel substitutions are made at Snyder, Texas, Eldorado, Oklahoma and Cross Plains, Texas. See Engineering Statement, Figure 9. The licensee was contacted to obtain its consent to the channel change but it declined to consent at this time. Nevertheless, Hunt<sup>5</sup> hereby states that it will reimburse KVRP for its reasonable costs in changing channels in accordance with the Commission's decision in Circleville, Ohio, 8 FCC 2d 159 (1967). The joint parties will attempt again to enter into

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4. Hunt has a pending one-step application on file to upgrade on Channel 299C3 should that channel remain at Jacksboro (BPH-980618IC). Hunt and Heftel wish to make it absolutely clear that their reimbursement agreement does not contemplate the dismissal or amendment of that application in any way. That application is to remain on file pending the outcome of this proceeding. Should the Commission grant the application during the pendency of this proceeding, Hunt may construct the facility and provide expanded coverage as a C3. However, even if it does so, Hunt still intends to change to Channel 238A as proposed here.
  5. Based on an arrangement between the joint parties, Hunt is to reimburse KVRP for its channel change. The agreement between Hunt and Heftel contemplates Heftel sharing in the reimbursement obligation.

an agreement to provide reimbursement for KVRP's channel change in order to avoid an Order to Show Cause. However, at this time an Order to Show Cause will be necessary in order to provide KVRP an opportunity to state why it objects to changing its channel. The joint parties urge the issuance of an Order to Show Cause promptly.

**C. Channel 246A, Snyder, Texas**

12. In order to substitute Channel 246C1 at Haskell, Channel 249A must be substituted at Snyder. Currently, there are three (3) applications pending for this vacant allotment. The substitution of Channel 249A can be made at each of the 3 applicants' proposed transmitter site. See Engineering Statement, Figures 10-13. Thus, at the end of this proceeding, each of the pending applicants could amend its application to specify the new channel without losing cut-off protection.

**D. Channel 246A, Eldorado, Oklahoma**

13. In order to substitute Channel 246C1 at Haskell, Channel 245A must be substituted for vacant Channel 246A at Eldorado (no applications pending). This channel substitution can be made in accordance with the Commission's spacing requirements. See Engineering Statement, Figure 14.

**E. Channel 245C3, Cross Plains, Texas (Proposed)**

14. This joint counterproposal conflicts with the proposed allotment of Channel 245C3 at Cross Plains filed by the petitioner, ALALATEX, due to the proposed substitution of Channel 246C1 at Haskell. The joint parties propose instead the allotment of Channel 290C3 at Cross Plains. See Engineering Statement, Figure 15. ALALATEX has provided a statement whereby it consents to the substitution of Channel 290C3 and states that it has not been paid nor promised any payment for agreeing to a substitute channel. Accordingly, it is not necessary to undertake a comparison of the joint parties proposal with Cross Plains. However should a comparison be necessary in the event Channel 290C3 is unavailable, the provision of first local services at Lewisville and Robinson along

with upgrades at Howe and Mineral Wells would outweigh a first local service at Cross Plains (pop. 1,063) on Channel 245C3. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982).

#### **F. Station KKAJ, Ardmore, Oklahoma**

15. In order to substitute Channel 238A at Jacksboro, the reference point for Channel 239C1 at Ardmore must be changed to a new location which may require a site relocation for KKAJ. See Engineering Statement, Figures 16 and 17. The licensee, Chuckie Broadcasting Co. has provided a statement in which it consents to the transmitter site relocation provided it is reimbursed. Hunt has entered into a reimbursement agreement with Chuckie and hereby states that it will reimburse KKAJ for its reasonable costs in relocating its transmitter site to the extent necessary from this proposal. See Exhibit 1. At the new site, KKAJ could serve 67,833 additional person. See Engineering Statement, Figure 23.

#### **G. Station KYXS, Mineral Wells, Texas**

16. In order to substitute Channel 238A at Jacksboro, Station KYXS agrees to a change in the reference coordinates used for Channel 240C1 at Mineral Wells. See Engineering Statement, Figures 20 and 21. JSA's pending application for Channel 240C1 at a different site is unaffected and does not need to be amended. JSA hereby states that it has not been paid nor promised payment in excess of its reasonable expenses in accordance with Section 1.420(j) for agreeing to change its reference point.

#### **H. Station KHYI, Howe, Texas**

17. By substituting Channel 238A at Jacksboro, KHYI can upgrade on Channel 237C2 at a different site location which will avoid the need to change channels at Hugo, Oklahoma. See Engineering Statement, Figures 1 and 2. Therefore, Metro's previous reimbursement pledge to KITX, Hugo is no longer necessary and issues relating thereto need not be resolved. In addition,

Metro agrees to change its transmitter site on Channel 237C2 from that proposed in MM Docket 97-26 without payment or a promise of payment from any other party.

### **CONCLUSION**

18. As can be seen, the joint parties have devised a proposal which accommodates all parties in MM Docket Nos. 97-26 and 97-91. The additional channel or transmitter change proposed herein can be processed and then implemented with a minimum of disruption. The public interest benefits in the conservation of Commission resources flowing from this proposal alone should justify favorable consideration. The joint parties, which have Applications for Review and a Petition for Reconsideration pending in MM Docket No. 97-26 and 97-91, request that those filings remain pending without processing while the Commission rules on this proposal. Upon favorable action, the Applications for Review and Petition for Reconsideration will be withdrawn. Accordingly, the joint parties hereby request that the Commission grant the joint Counterproposal and Global Resolution as expeditiously as possible.



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**ENGINEERING STATEMENT**

**IN SUPPORT OF A**

**COUNTERPROPOSAL**

**MM Docket 98-198**

**Hunt Broadcasting, Inc.  
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**December 21, 1998**

**ENGINEERING STATEMENT**  
**In Support of a**  
**COUNTERPROPOSAL**  
**MM Docket 98-198**  
**The Joint Petitioners**

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**Continued**

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## **Engineering Statement**

### **In Support of a**

#### **Counterproposal**

**MM Docket 98-198**

**Hunt Broadcasting, Inc.**

**Metro Broadcasters-Texas, Inc.**

**Jerry Snyder and Associates, Inc.**

**Heftel Broadcasting Corporation**

### **General**

The instant Counterproposal was prepared for Hunt Broadcasting, Inc. ("Hunt"), the licensee of KJKB, channel 237A, Jacksboro, Texas; Metro Broadcasters-Texas, Inc. ("Metro"), licensee of KHYI, Howe, Texas; Jerry Snyder and Associates, Inc. ("Jerry Snyder"), licensee of KXYS, Mineral Wells, Texas; and Heftel Broadcasting Corporation ("Heftel"), parent company of the licensee for KDOS, Gainesville, Texas. These licensees have joined together to submit the instant Counterproposal, herein referred to as "The Joint Petitioners." It is prepared and submitted in response to an NPRM for MM Docket 98-198 (see DA98-2188). The Joint Petitioners propose to modify the spectrum that provides for a change in the Table of Allotments at Jacksboro and, in turn, allow the upgrade of KHYI on its present channel of 237. It proposes that the license of KJKB and KHYI be modified accordingly.

In addition, if the Commission adopts The Joint Petitioners' Counterproposal as submitted, it will eliminate the conflict between all of the relevant parties in MM Dockets 97-26 and 97-91. The net result is as follows: 1) KJKB, Jacksboro, will receive a preferable licensed site for its class A operation on channel 238A in lieu of the proposed channel 237A; 2) KHYI, Howe, Texas, will be allowed to upgrade to a class C2 on its present channel of 237; 3) KYXS, Mineral Wells, Texas, will be able to receive its

construction permit for channel 240C1 at the site the KYXS licensee originally requested;

4) KDOS, Lewisville, Texas, will be removed from the conflict with KHYI and KYXS experienced in MM Dockets 97-26 and 97-91, since the short spacing between Jacksboro and Mineral Wells is removed.

**The instant Counterproposal is mutually exclusive (MX) with the NPRM in its proposed use of channel 245C3 at Cross Plains, Texas.** However, a substitution is proposed which eliminates the MX conflicts between the instant Counterproposal and the NPRM. If the Commission adopts The Joint Petitioners' Counterproposal as submitted, all parties in the NPRM and the instant Counterproposal can receive its requested facility changes.

### **Methods**

The Joint Petitioners Counterproposal is presented in sections, with each channel or licensed facility where a change is proposed is discussed individually. All sections begin with an allocation or channel spacing study. The proposed modification's technical compliance is then supported by additional exhibits.

All searches were performed on a V-Soft SearchFM program and verified with the EDX FMSR search program. The FCC F(50,50) contours were calculated using SoftWright's Terrain Analysis Package (TAP) Version 4.00.282. The studies were based on the latest technical data from the Commission's databases. Mapping, population counts, and gain/loss areas were conducted by a professional mapping program from MapInfo Corporation, Version 5.0. The program contains the exact community boundaries of the relevant cities. In pertinent cases where community boundaries were critical, the boundaries were cross checked with the U.S. Census Bureau's TIGER maps. One facility

change requires a zoomed map of the furthestmost points of the community and the hypothetical 70-dBu contour. This study also includes a copy of the TIGER map from the U.S. Census Bureau.

All modifications that require a class change or antenna site modification have a gain/loss study for population and square kilometers.

### **Nature of The Joint Petitioners' Counterproposal**

A summary of all communities and their related channels (present and proposed) is included in Table 1 for reference. The Joint Petitioners propose to delete channel 237A at Jacksboro and substitute channel 238A at Jacksboro, Texas for use by KJKB. This deletion allows a reference site change by KHYI and an upgrade on its co-channel. In order to accomplish this, various channels and licensed facilities are proposed to be modified in order to create compliance with §73.207. The validity of The Joint Petitioners' Counterproposal is demonstrated by the large increase in the number of persons served by the new 60-dBu contour.

The allotment of channel 237C2 at Howe requires the following modifications.

- I). KJKB - channel 237A, Jacksboro, Texas. Presently KJKB operates on channel 269A and was ordered to channel 299A in a rulemaking that has previously been finalized (MM Docket 96-10). Subsequently, channel 299 was deleted with channel 237A being substituted. This created a short spacing to KHYI (as a class C2) at Howe of 16.37 kilometers. The instant Counterproposal proposes to delete channel 237A at Jacksboro and substitute channel 238A. This will eliminate all short spacing between KJKB and KHYI. The proposed substitution of channel 238A at Jacksboro will require a change in the licensed

site of KJKB. In addition, the following changes must be made in the spectrum.

A) KVRP - channel 238C1, Haskell, Texas. Operates on channel 238C1. If KJKB also operates on channel 238 as a class A, a short space of 46.54 kilometers is created. Therefore, The Joint Petitioners propose to substitute channel 246C1 for channel 238C1 at the licensed site of KVRP. This substitution will require the following changes in the Table of Allotments.

1) ALOPEN – channel 246A, Snyder, Texas. Presently channel 246A at Snyder is an unused channel with three (3) pending applications. The substitution of channel 246C1 at the licensed site of KVRP creates a short space to ALOPEN (and the three pending applications), channel 246A, Snyder, Texas. The short space distance varies from 85.87 kilometers to 90.43 kilometers. The Joint Petitioners propose to eliminate this short space by substituting channel 249A at Snyder. The substitution of channel 249A meets the spacing requirements for the channel 246A allocation site as well as clear spacing for all (3) applicants. No additional spectrum changes are required for this substitution.

2) ALOPEN – channel 246A, Eldorado, Oklahoma. Presently channel 246A at Eldorado is unused with no pending applications.



The substitution of channel 246C1 for channel 238C1 at the licensed site of KVRP creates a short space to Eldorado of 53.63 kilometers. The Joint Petitioners propose to eliminate this short spacing by substituting channel 245A for channel 246A at channel 246A allotment reference coordinates. No additional spectrum changes are required for this substitution.

3) AD245C3 – channel 245C3, Cross Plains, Texas. In the pending NPRM (MM Docket 98-198) a petitioner is requesting the allotment of channel 245C3 to Cross Plains, Texas. The substitution of channel 246C1 at the licensed site of KVRP creates a short space of 15.22 kilometers. The Joint Petitioners propose to eliminate this short spacing by requesting that the Commission substitute channel 290C3 for channel 245C3 at the petitioner's reference coordinates at Cross Plains. No additional spectrum changes are required for this substitution.

B) KKAJ – channel 239C1, Ardmore, Oklahoma. Presently KKAJ operates on channel 239C1. The allotment of channel 238A at Jacksboro creates a short space to KKAJ of 5.16 kilometers. The Joint Petitioners propose to eliminate this short spacing by soliciting the cooperation of the KKAJ licensee to change its transmitter reference coordinates to a point that gives clearance to the allotment of channel 238A at Jacksboro and

channel 237C2 at Howe. This requires a site reference change of 7.15 kilometers for KKAJ. This reference site meets all required §73.207 spacing for KKAJ. No additional spectrum changes are required for this substitution.

C) KYXS – channel 240C1, Mineral Wells, Texas. Presently KYXS operates on channel 240C3 with a pending one step application for channel 240C1. The application is for a site different from that of its current licensed site. In addition, a third reference is given for a §73.207 allotment site. The substitution of channel 238A for channel 237A at Jacksboro creates a short space to the allotment reference coordinates of KYXS of 3.28 kilometers. This specific reference site, used by The Joint Petitioners for the substitution of channel 238A for channel 237A at Jacksboro, is necessary to provide the required 70-dBu contour to 100% of the community of Jacksboro. The Joint Petitioners propose to eliminate this short space by the KYXS licensee agreeing to a change in its channel 240C1-allotment reference coordinates of 5.12 kilometers. However, it is only a one-kilometer increase from the existing channel 240C1-application site. An exhibit that will be discussed later demonstrates this. The Joint Petitioners proposed modification of the channel 240C1 allotment reference coordinates are hypothetical only, and in no way affect the pending application site for channel 240C1. The modified allotment reference coordinates meet all of the Commission's

§73.207 spacing requirements. No additional spectrum changes are required for this substitution.

This completes the required Table of Allotments' modifications required for the allocation of channel 238A at Jacksboro, which when used with the change in reference coordinates for KKAJ, allows KHYI to upgrade to a class C2 on its present channel of 237.

Finally, the adoption of the instant scenario eliminates all conflict between all participating parties in MM Docket 97-26 and MM Docket 97-91.

#### **EXHIBITS EXPLAINED**

Each station that requires a modification of any type is listed and discussed individually with the supporting exhibits in detail.

#### **KHYI**

Exhibit E, Figure 1 is an allocation study for the upgrade of channel 237C2 at Howe, Texas (KHYI). It uses the reference coordinates that the KHYI licensee, Metro Broadcasters-Texas, Inc. proposes for this allocation. The study depicts all the major on-channel and adjacent-channel modifications required, but not the subchanges. The study shows that spectrum changes are necessary for the substitution allotment channel of 237A at Jacksboro, Texas, and a reference site change for KKAJ, channel 239C1, Ardmore, Oklahoma. Exhibit E, Figure 2 is a map generated using the programs and techniques explained in the Methods section of the instant Counterproposal. This study depicts the KHYI, channel 237C2 allotment coordinates, a maximum class C2 70-dBu contour, and the community boundaries of Howe. It demonstrates full compliance with §73.315 of the

Commission's Rules. Exhibit E, Figure 3 is a map demonstrating the gain/loss area of the 60-dBu contour for KHYI as a class C2 versus its licensed facility as a class C3.

#### KJKB

Exhibit E, Figure 4 is an allocation study for the substitution of channel 238A at Jacksboro (KJKB) for channel 237A. It depicts a site restriction of 12.34 kilometers, as well as the additional channel changes and/or site modifications required for §73.207 and §73.315 compliance. According to the study, channel 238C1 at Haskell, Texas must be substituted, the reference coordinates KKAJ at Ardmore, Oklahoma must be modified, as does the allotment coordinates for channel 240C1 at Mineral Wells, Texas. However, the pending application for KYXS on channel 240C1 is not affected. Therefore, it requires no change. KCKR, channel 238C, licensed to Waco, Texas is in the database and appears as a 4.00-kilometer short space. However, this is of no concern, since it is an auxiliary facility. Exhibit E, Figure 5 is a map generated using the programs and techniques explained in the Methods section of the instant Counterproposal. The study depicts the KHKB channel 238A allotment coordinates, a maximum class A hypothetical 70-dBu contour, and the community boundaries of Jacksboro. Exhibit E, Figure 6 is a zoomed view of the furthestmost points south of the Jacksboro community boundaries and the proposed hypothetical 70-dBu contour. The exhibit demonstrates that the 70 dBu exceeds the requirements of §73.315 by 0.30 kilometers. Exhibit E, Figure 7 is a map produced by the U.S. Census Bureau that verifies the current city boundaries for Jacksboro. The Joint Petitioners used this current, government-furnished map as reference in determining the city boundaries for Jacksboro, and whether the proposed channel 238A at Jacksboro's reference coordinates satisfied §73.207. Exhibit E, Figures

4 through 7 show conclusively that the instant reference coordinates for Jacksboro meet the §73.207 requirements. Exhibit E, Figure 8 is a gain/loss study map for the CP 60-dBu contour on channel 269A and the proposed hypothetical 60-dBu contour.

#### KVRP

Exhibit E, Figure 9 is a channel study demonstrating the spacing to the licensed site of KVRP on channel 249C1 at Haskell, Texas. The study depicts that channel 246C1 can be substituted at the licensed site of KVRP if certain substitutions are made in the spectrum. No 70-dBu map is required, since this study uses the current licensed site of KVRP as reference. Likewise, no gain/loss area maps are included. The study depicts short spacing that must be eliminated at Snyder and Cross Plains, Texas, and Eldorado, Oklahoma. The KVRP channel study lists additional proposed changes in the Table of Allotments that are being proposed in a simultaneous but unrelated counterproposal.

#### ALOPEN and AP246A

Channel 246A has been allocated at Snyder, Texas. There are currently three (3) pending applications for this allotment based on the current Commission engineering database. Exhibit E, Figure 10 is an allocation study proposing the substitution of channel 249A for channel 246A at Snyder. The study uses the allotment reference coordinates recorded by the Commission when the channel was allocated. The study demonstrates that channel 249A can be substituted for channel 246A with no additional spectrum changes required. In fact, the successful applicant for channel 249A at Snyder can receive a class C3 via one-step upgrade. Exhibit E, Figure 11 is an allocation study using the application site of Highland Broadcasters, file number BPH-960411MB, as reference. The study depicts clear spacing using the Highland Broadcasters reference site. Exhibit E, Figure 12 is an

allocation study using the application site of Delbert Foree, file number BPH-960409MC, as reference. The study depicts clear spacing using the Delbert Foree reference site. Exhibit E, Figure 13 is an allocation study using the application site of Frances Beane, file number BPH-960412ME, as reference. The study depicts clear spacing using the Frances Beane reference site. All the allocation studies for channel 249A at Snyder demonstrate that no additional spectrum changes are required for this substitution.

#### ALOPEN (246A)

Exhibit E, Figure 14 is a channel study depicting the spacing for the substitution of channel 245A for channel 246A at Eldorado, Oklahoma. This is an unused channel with no outstanding applications. It includes the proposed substitution of channel 246C1 at KVRP and an additional change proposed in a parallel counterproposal. The study uses the Commission's allotment reference coordinates for channel 246A and demonstrates that no additional spectrum changes are needed for this substitution.

#### AD245C3

Exhibit E, Figure 15 is an allocation study for the substitution of channel 290C3 at the proposed allotment site of channel 245C3 for Cross Plains, Texas. The allotment of channel 245C3 at Cross Plains is 15.22 kilometers short spaced to the use of channel 246C1 at the KVRP licensed site. Therefore, the Joint Petitioners propose the substitution of channel 290C3 at Cross Plains. The study demonstrates that no additional spectrum changes are required for this substitution, and it notes a spectrum change proposed in parallel counterproposals. This is the mutually point (MX) point between the Joint Petitioners' Counterproposal and the NPRM of MM Docket 98-198.

### KKAJ

Exhibit E, Figure 16 is a channel spacing study for the modification of the antenna reference coordinates of KKAJ, Ardmore, Oklahoma on channel 239C1. The study demonstrates the clear spacing for KKAJ at the modified reference coordinates. In addition, the study depicts the proposed upgrade of KHYI, channel 237C2, at Howe and the channel and site change proposed for KJKB, Jacksboro, Texas on channel 238A. Although it is of no concern, the study also lists the allocation site and the modified allocation site of AD240C1 at Mineral Wells. Exhibit E, Figure 17 is a 70-dBu contour map that conclusively demonstrates the modified coordinates' compliance with §73.315. Exhibit E, Figure 18 shows the gain/loss area for the present and proposed 60-dBu contours, as well as the population gain/loss. The KKAJ site modification on channel 239C1 is required for both the upgrade of KHYI on channel 237C2 and the allotment of channel 238A at Jacksboro. According to the study, no additional spectrum changes are required for the proposed KKAJ site modification.

### ALOPEN (240C1)

Presently the licensee of KYXS, Mineral Wells, Texas has an application pending for a one-step upgrade on channel 240C1. The instant Joint Petitioners' Counterproposal does not propose to alter the application site of KYXS on channel 240C1 in any way. However, it does propose to modify the one-step application's allotment reference coordinates. Exhibit E, Figure 19 is an allocation study showing the spacing requirements for the proposed modified allocation site of channel 240C1 at Mineral Wells. This study clearly shows that the modified allocation reference coordinates satisfy §73.207 of the Commission's Rules, once the facilities that are of no concern are ignored.

Exhibit E, Figure 20 is a map that includes the pending one-step application site of KYXS, the current allotment reference site, and the modified reference site. The map demonstrates that the proposed modification is slight and has no great impact on additional spectrum space. Exhibit E, Figure 21 is a map demonstrating the modified allocation reference coordinates' compliance with §73.315 of the Commission's Rules. Exhibit E, Figure 22 is a gain/loss map showing the area and population changes between the current allocation reference site and the modified allocation reference site. The study does not consider the pending application site of KYXS on channel 240C1, since it remains unchanged.

#### **Cumulative Gain/Loss Study**

Exhibit E, Figure 23 is a cumulative gain/loss study showing the net population and area gained and lost due to the changes proposed in the instant Counterproposal. This study shows that the area lost to 60-dBu coverage is 1,434 square kilometers, while the area gained by new 60-dBu coverage is 12,286 square kilometers. The population that loses a 60-dBu signal is 167,395, while the population that will gain a new 60-dBu signal is 293,317. This results in a net gain of 10,852 square kilometers and 125,922 persons.

#### **Conclusion**

Currently the Commission is faced with having to make a decision between the participants of MM Docket 97-26 and MM Docket 97-91. In addition, there are conflicts between parties inside MM Docket 97-91. The instant Joint Petitioners' Counterproposal will eliminate the conflict previously mentioned, since it proposes to remove short spacing from the allotment of channel 237A at Jacksboro and the application one-step application at KYXS, channel 240C1, Mineral Wells, Texas. Additional spacing conflict



is removed as channel 237A is deleted at Jacksboro with channel 238A substituted at a site that clears KXYS on channel 240C1. KJKB, Jacksboro, Texas on channel 238A is removed from short spacing to the proposed upgrade of KHYI, Howe, Texas on channel 237C2. Conflict between KHYI and KITX, Hugo, Oklahoma is eliminated, since KITX participation in the KHYI upgrade is no longer needed.

Perhaps the strongest point in The Joint Petitioners' Counterproposal is its simplicity. Only one FM facility that is not a member of The Joint Petitioners is required to make any site reference change. All other substitutions are made at the affected stations' licensed sites, existing application sites, or allotment sites.

# ENGINEERING STATEMENT

## In Support of a COUNTERPROPOSAL MM Docket 98-198 The Joint Petitioners

### ALLOCATION STUDY - CHANNEL 237C2 (KHYI) HOWE, TEXAS [DEPICTING SPACING, MODIFICATIONS & SUBSTITUTION REQUIRED FOR ALLOTMENT] (USING PROPOSED CLASS C2 ALLOTMENT COORDINATES AS REFERENCE)

33 31 09 N.	Class C2	Search Date					
96 47 05 W.	Current rules spacings	12-19-98					
-----	Channel 237C2 - 95.3 MHz	-----					
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
=====	=====	=====	=====	=====	=====	=====	=====
Community of Howe			TX	92.5	15.97		
Reference Coordinates:							
North Latitude: 33-30-46							
West Longitude: 96-36-47							
KHYI	237C3	Howe	TX	128.2	22.20	177.0	-154.80 *
Of No Concern:							
Licensed site of petitioner							
ALOPEN	237A	Jacksboro	TX	255.4	132.57	166.0	-33.43 *
Of Concern:							
Allotment proposed in							
MM Dockets 97-26 & 97-91							
KKAJFM	239C1	Ardmore	OK	330.2	74.06	79.0	-4.94 *
Of Concern:							
Site reference modification							
proposed to							
NL: 34-09-42, WL: 97-09-11							
KWRDFM	235C	Arlington	TX	189.5	104.54	105.0	-0.46 *
KITX	238C2	Hugo	OK	70.2	129.75	130.0	-0.25 *
KKAJ	239C1	Ardmore	OK	334.4	79.00	79.0	0.00 *
Of Note:							
Modified site referred to above							
KQCVFM	236C	Shawnee	OK	10.9	197.02	188.0	9.02 *
KMGZ	237C3	Lawton	OK	306.9	195.24	177.0	18.24
KFROFM	237C3	Gilmer	TX	119.2	202.06	177.0	25.06
KJKB.C	238A	Jacksboro	TX	260.9	131.58	106.0	25.58
Of Note:							
Substitution proposed in							
Instant Counterproposal at							
NL: 33-19-53, WL: 98-10-54							
KCKR	238C	Waco	TX	189.4	224.57	188.0	36.57
=====							

**AD237C2 (KHYLP)**  
**Howe, TX**  
**70-dBu Contour**  
**The Joint Petitioners**

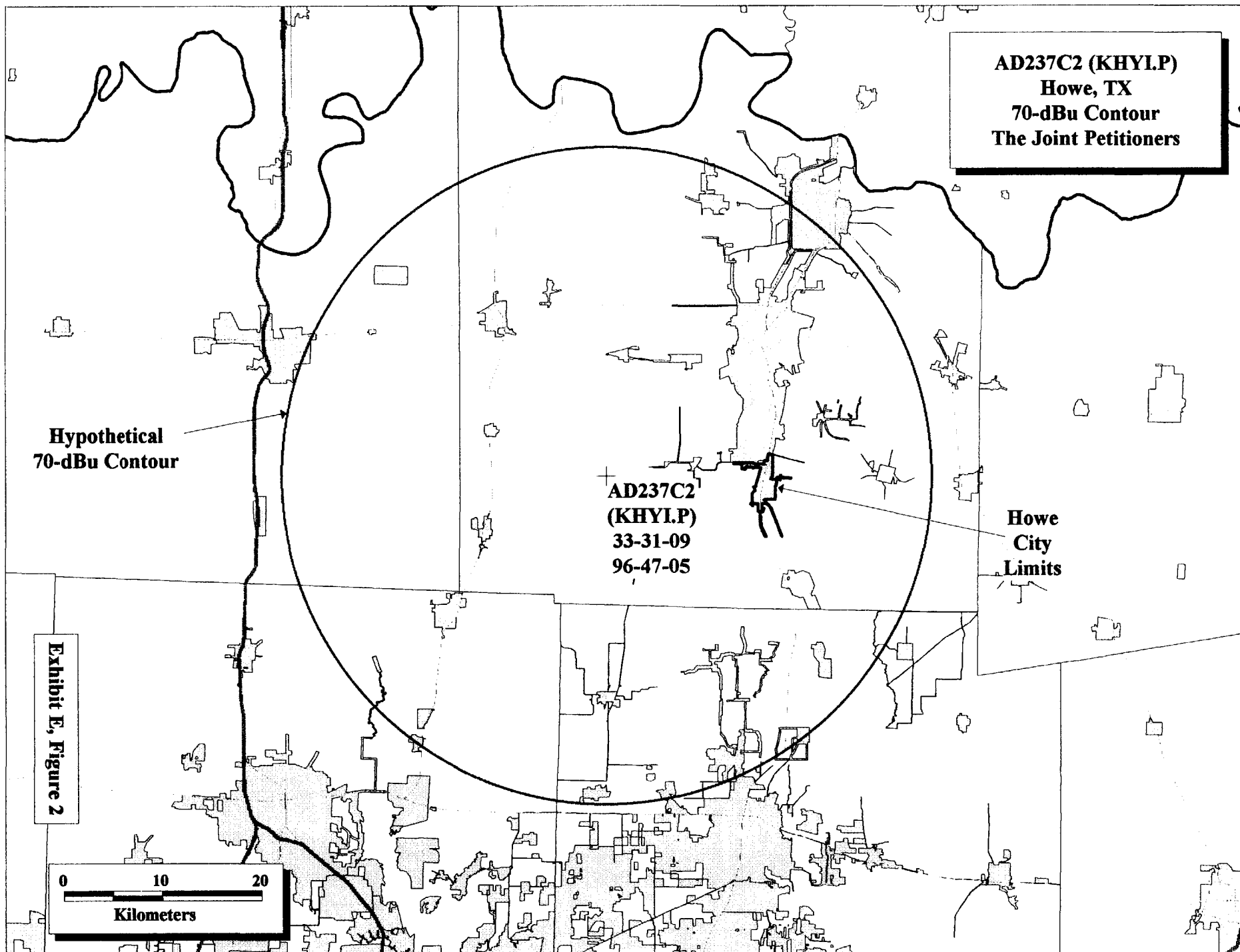
**Hypothetical  
70-dBu Contour**

**AD237C2  
(KHYLP)**  
**33-31-09**  
**96-47-05**

**Howe  
City  
Limits**

**Exhibit E, Figure 2**

0 10 20  
Kilometers



**KHYL.L/AD237C2**  
**Howe, TX**  
**Gain/Loss Study**  
**The Joint Petitioners**

**Hypothetical  
60-dBu Contour**

**Gain**

**AD237C2  
(KHYLP)**  
**33-31-09**  
**96-47-05**

**KHYLL**  
**33-23-43**  
**96-35-50**

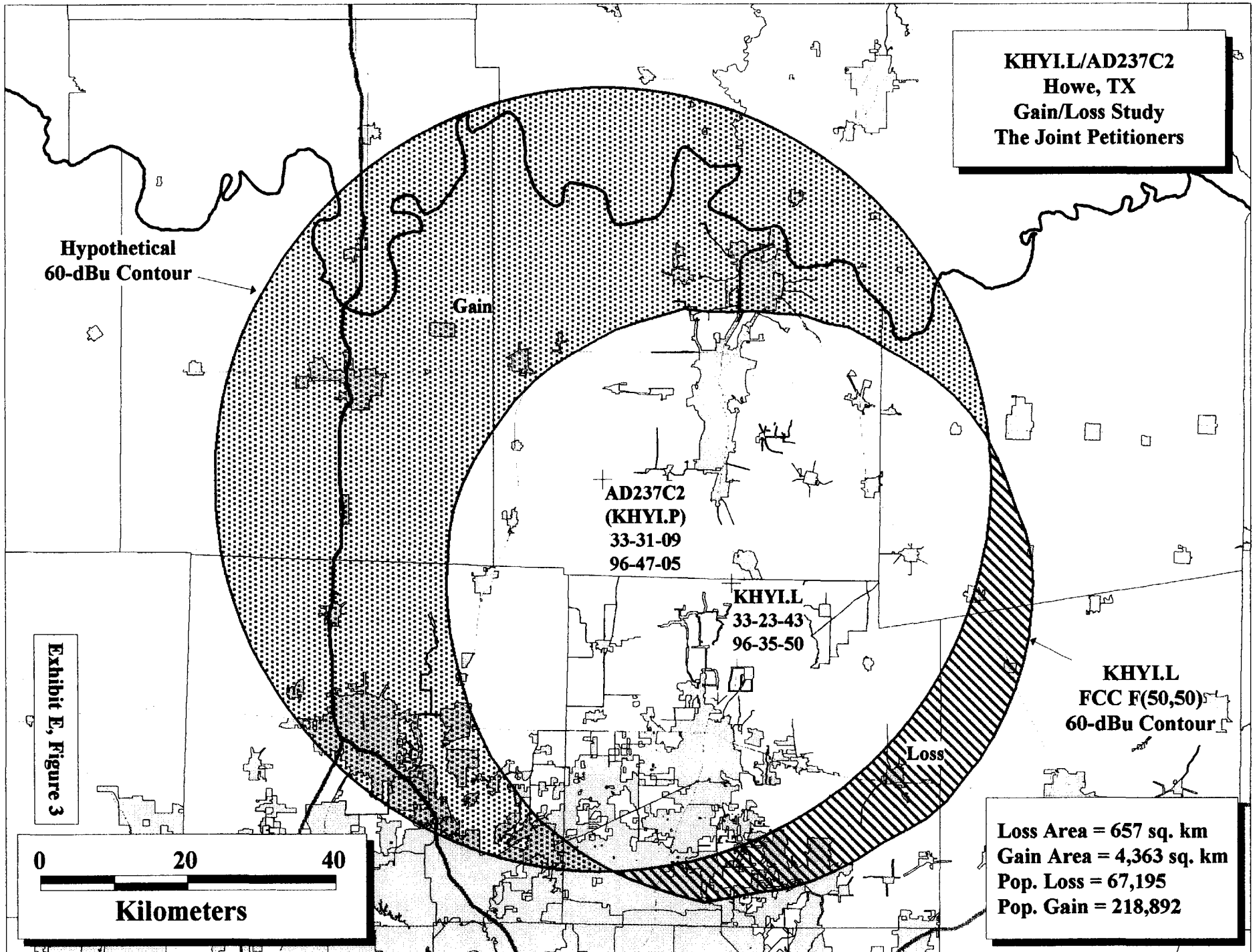
**KHYLL**  
**FCC F(50,50)**  
**60-dBu Contour**

**Loss**

**Loss Area = 657 sq. km**  
**Gain Area = 4,363 sq. km**  
**Pop. Loss = 67,195**  
**Pop. Gain = 218,892**

**Exhibit E, Figure 3**

**0 20 40**  
**Kilometers**



**ENGINEERING STATEMENT**  
**In Support of a**  
**COUNTERPROPOSAL**  
**MM Docket 98-198**  
**The Joint Petitioners**

**ALLOCATION STUDY - CHANNEL 238A(KJKB) JACKSBORO, TEXAS**  
**[DEPICTING SPACING, MODIFICATIONS & SUBSTITUTION REQUIRED FOR ALLOTMENT]**  
**(USING PROPOSED CH 238A PROPOSED ALLOTMENT COORDINATES AS REFERENCE)**

33 19 53 N.	Class A	Search Date
98 10 54 W.	Current rules spacings	12-19-98
----- Channel 238A - 95.5 MHz -----		
Call	Ch# City	State Bear' Dist' R'qrd Margin
=====		
<b>Community of Jacksboro</b>		<b>TX 168.0 12.28</b>
Reference Coordinates:		
North latitude: 33-13-23		
West Longitude: 98-09-15		
<b>ALOPEN 237A Jacksboro</b>	<b>TX 172.2 12.65 72.0</b>	<b>-59.35 *</b>
Of No Concern:		
Allotment site of Ch 237A		
for KJKB in MM Dockets 97-26 & 97-91		
<b>KVRPFM 238C1 Haskell</b>	<b>TX 262.9 153.46 200.0</b>	<b>-46.54 *</b>
Of Concern:		
Substitution of Ch 246C1 proposed		
At present licensed site.		
<b>KKAJFM 239C1 Ardmore</b>	<b>OK 47.4 125.85 133.0</b>	<b>-7.15 *</b>
Of Concern:		
Site changed proposed to		
NL: 34-09-42, WL: 97-09-11		
<b>KCKR 238C Waco</b>	<b>TX 154.7 222.00 226.0</b>	<b>-4.00 *</b>
Of No Concern:		
Auxiliary for KCKR		
<b>ALOPEN 240C1 Mineral Wells</b>	<b>TX 178.3 71.72 75.0</b>	<b>-3.28 *</b>
Of Concern:		
Modification of Ch 240C1		
reference coordinates proposed to		
NL: 32-39-15, WL: 98-11-58		
<b>KYXSFM 240C1 Mineral Wells</b>	<b>TX 178.4 74.52 75.0</b>	<b>-0.48 *</b>
Of Note:		
present "one-step" upgrade application site.		
No change proposed		

**EXHIBIT E, FIGURE 4**

Continued on the next page

Continued from the previous page

33 19 53 N.	Class A	Search Date					
98 10 54 W.	Current rules spacings	12-19-98					
----- Channel 238A - 95.5 MHz -----							
Call	Ch#	City	State	Bear'	Dist'	R'grd	Margin
=====							
KKAJ	239C1	Ardmore	OK	46.0	132.53	133.0	-0.47 *
Of Note:							
Modified antenna site of KKAJ @							
NL: 34-09-42, WL: 97-09-11							
ALOPEN	240C1	Mineral Wells	TX	181.3	75.12	75.0	0.12 *
Of Note:							
Modified allotment reference coordinates							
for Ch 240C1 (reference only - used in							
KYXS "one-step" upgrade) at							
NL: 32-39-15, WL: 98-11-58							
KCKR	238C	Waco	TX	160.5	236.41	226.0	10.41
KYXSFM	240C3	Mineral Wells	TX	172.7	58.10	42.0	16.10
KHYI	237C2	Bells	TX	80.9	131.58	106.0	25.58
KWRDFM	235C	Arlington	TX	126.0	140.06	95.0	45.06

=====

**AD238A (KJKB.P)**  
**Jacksboro, TX**  
**70-dBu Contour**  
**The Joint Petitioners**

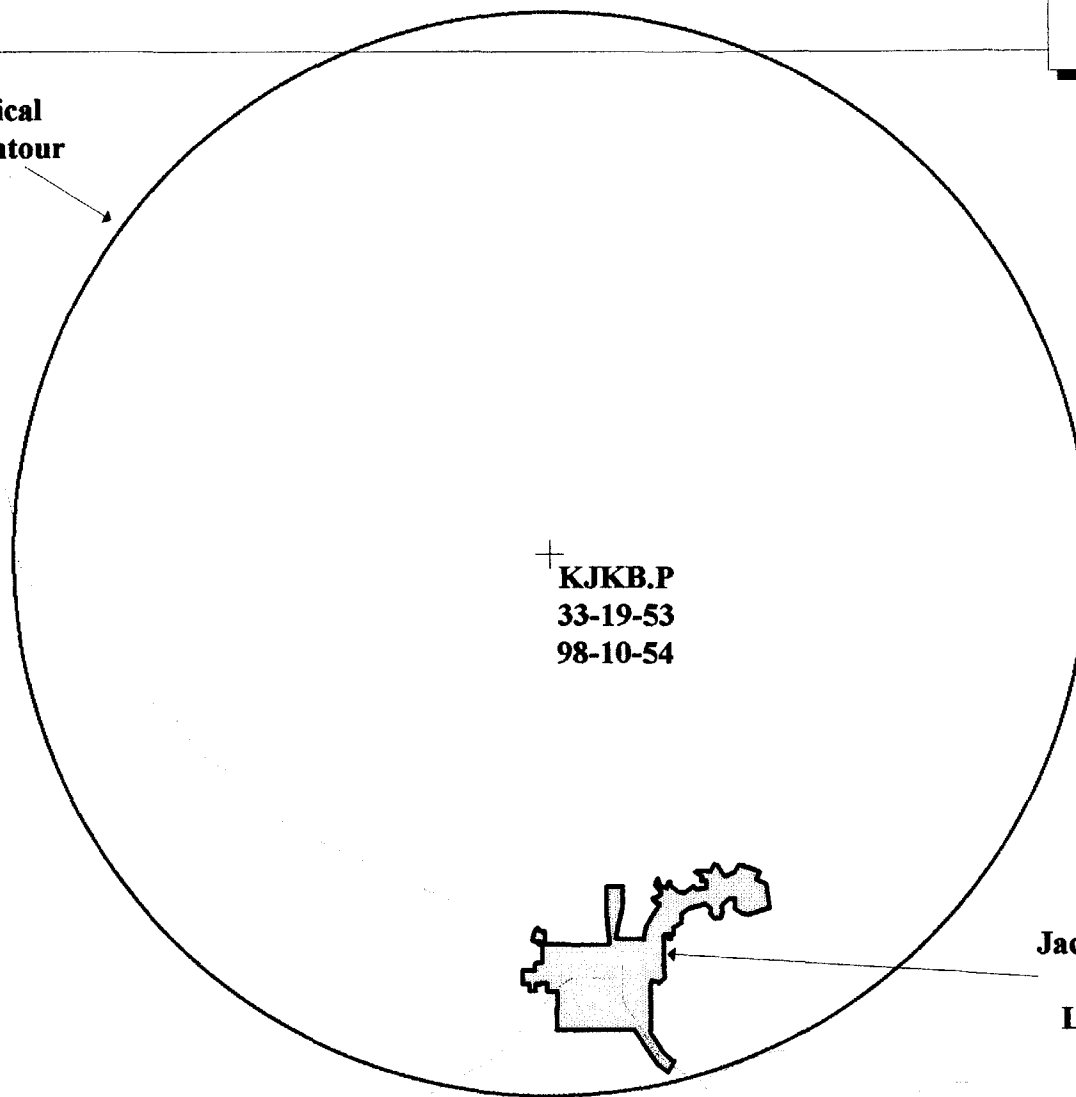
**Hypothetical  
70-dBu Contour**

**+ KJKB.P**  
**33-19-53**  
**98-10-54**

**Jacksboro  
City  
Limits**

**Exhibit E, Figure 5**

0 5 10  
**Kilometers**



**AD238A (KJKB.P)**  
**Jacksboro, TX**  
**70-dBu Contour**  
**(Zoomed View)**  
**The Joint Petitioners**

**Jacksboro  
City  
Limits**

**0.3 kilometers**

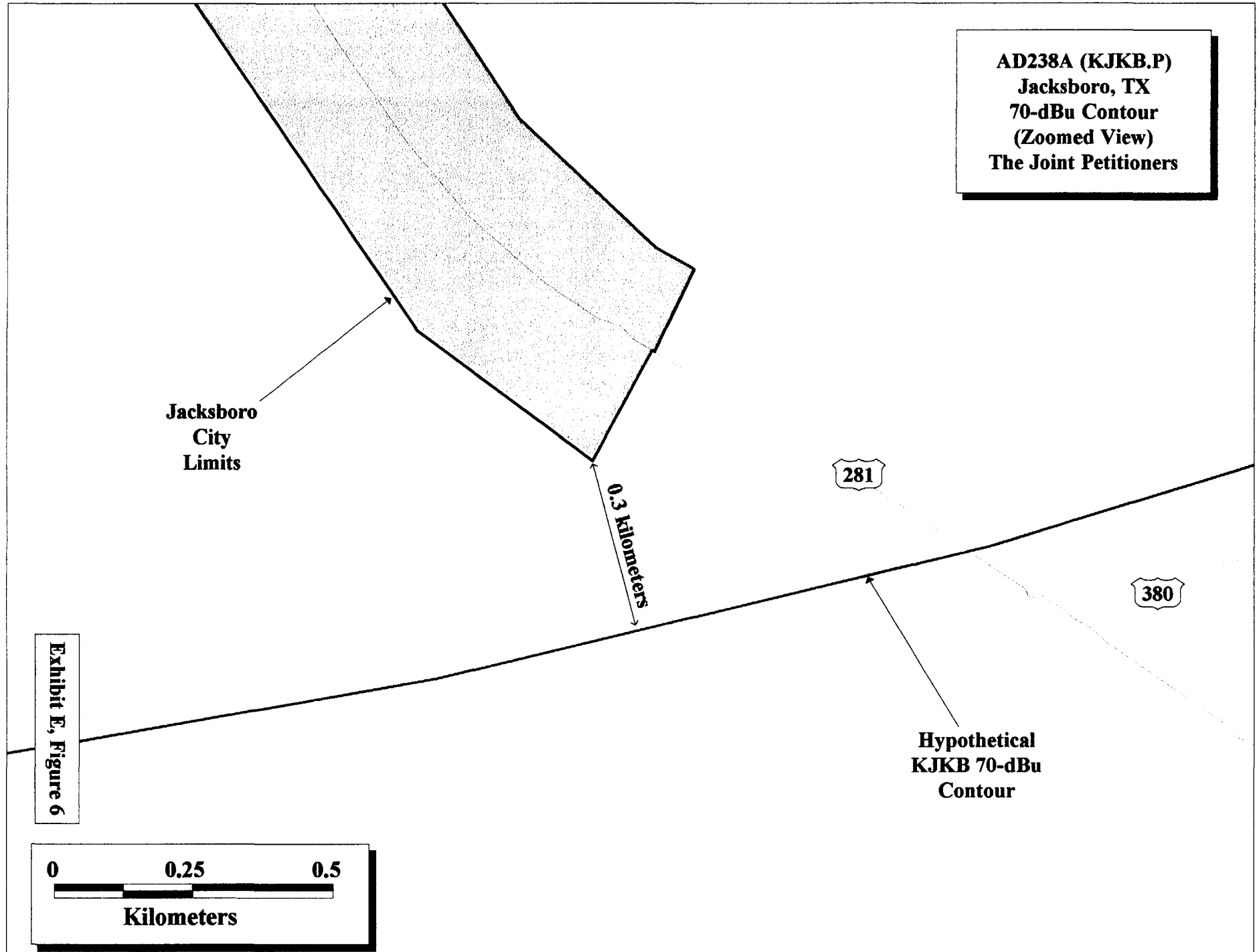
**281**

**380**

**Hypothetical  
KJKB 70-dBu  
Contour**

**Exhibit E, Figure 6**

**0      0.25      0.5**  
**Kilometers**





**AD238A/KJKB.C**  
**Jacksboro, TX**  
**Gain/Loss Area**  
**The Joint Petitioners**

**Hypothetical  
60-dBu Contour**

**Gain**

**AD238A  
(KJKB.P)**  
**33-19-53**  
**98-10-54**

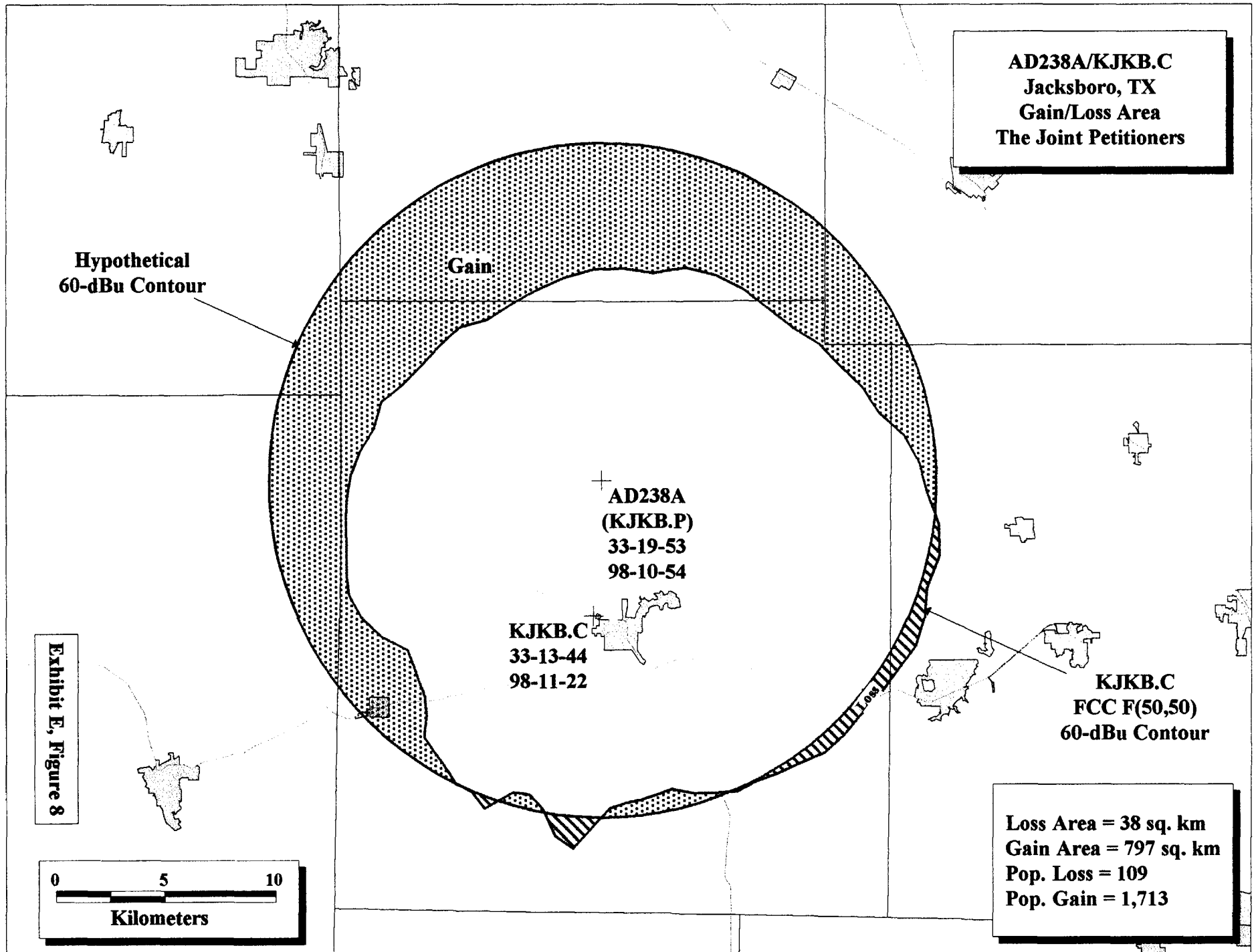
**KJKB.C**  
**33-13-44**  
**98-11-22**

**KJKB.C**  
**FCC F(50,50)**  
**60-dBu Contour**

**Loss Area = 38 sq. km**  
**Gain Area = 797 sq. km**  
**Pop. Loss = 109**  
**Pop. Gain = 1,713**

**Exhibit E, Figure 8**

0 5 10  
**Kilometers**



# ENGINEERING STATEMENT

## In Support of a COUNTERPROPOSAL MM Docket 98-198 The Joint Petitioners

### ALLOCATION STUDY - CHANNEL 246C1 (KVRP) HASKELL, TEXAS [DEPICTING SPACING & SUBSTITUTIONS REQUIRED FOR ALLOTMENT OF CH 246C1 FOR USE BY KVRP] (USING THE LICENSED SITE OF KVRP AS REFERENCE)

33 09 40 N.		Class C1		Search Date
99 48 57 W.		Current rules spacings		12-19-98
----- Channel 246C1 - 97.1 MHz -----				
Call	Ch#	City	State	Bear' Dist' R'qrd Margin
=====				
AP246	246A	Snyder	TX	247.4 109.57 200.0 -90.43 *
AP246	246A	Snyder	TX	246.2 111.07 200.0 -88.93 *
AP246	246A	Snyder	TX	245.2 111.81 200.0 -88.19 *
ALOPEN	246A	Snyder	TX	244.5 114.13 200.0 -85.87 *
Of Concern:				
Substitution of Ch 249A				
proposed which meets spacing				
requirements for allocatment site of				
Ch 246A and all applicant sites.				
Ch 249A can be "one-step"				
upgraded to class C3.				
ALOPEN	246A	Eldorado	OK	6.1 146.37 200.0 -53.63 *
Of Concern:				
Substitution of Ch 245A proposed				
@ Ch 246A reference site.				
AD245	245C3	Cross Plains	TX	152.8 128.78 144.0 -15.22 *
Of Concern:				
Substitution of Ch 290C3 proposed				
@ NPRM reference coordinates				
<u>This is MX point with NPRM</u>				
MM Docket 98-198 (DA 98-2188)				
KXYL.P	245C1	Brownwood	TX	154.6 178.77 177.0 1.77 *
Of Note:				
Substitution proposed in other				
MM Docket 98-198 Counterproposals				
KEGL.C	246C	Fort Worth	TX	103.4 273.97 270.0 3.97 *
KEGL	246C	Fort Worth	TX	103.6 275.59 270.0 5.59 *
KXOXFM	244A	Sweetwater	TX	215.8 92.12 75.0 17.12
KRZB.C	248C2	Olney	TX	77.1 103.18 79.0 24.18

Continued on the next page

**EXHIBIT E, FIGURE 9**

Continued from the previous page

33 09 40 N.	Class C1					Search Date	
99 48 57 W.	Current rules spacings					12-19-98	
----- Channel 246C1 - 97.1 MHz -----							
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
=====							
KDDQ.C	246A	Comanche	OK	51.2	225.97	200.0	25.97
<b>KKEN.P</b>	<b>246A</b>	<b>Duncan</b>	<b>OK</b>	<b>48.8</b>	<b>227.38</b>	<b>200.0</b>	<b>27.38</b>
Of Note:							
Substitution proposed in another							
MM Docket 98-198 counterproposal							
<b>AP246</b>	<b>249A</b>	<b>Snyder</b>	<b>TX</b>	<b>247.4</b>	<b>109.57</b>	<b>75.0</b>	<b>34.57</b>
<b>AP246</b>	<b>249A</b>	<b>Snyder</b>	<b>TX</b>	<b>246.2</b>	<b>111.07</b>	<b>75.0</b>	<b>36.07</b>
<b>AP246</b>	<b>249A</b>	<b>Snyder</b>	<b>TX</b>	<b>245.2</b>	<b>111.81</b>	<b>75.0</b>	<b>36.81</b>
<b>ALOPEN</b>	<b>249A</b>	<b>Snyder</b>	<b>TX</b>	<b>244.5</b>	<b>114.13</b>	<b>75.0</b>	<b>39.13</b>
Of Note:							
Substitution of Ch 249A							
proposed in instant counterproposal							
KVOPFM	247C1	Plainview	TX	305.4	210.72	177.0	33.72
ALOPEN	248C2	Archer City	TX	66.6	120.71	79.0	41.71
KBALFM	246A	San Saba	TX	154.6	241.91	200.0	41.91
KVMX	244A	Eastland	TX	129.7	118.91	75.0	43.91
=====							

# ENGINEERING STATEMENT

## In Support of a COUNTERPROPOSAL

MM Docket 98-198  
The Joint Petitioners

**ALLOCATION STUDY - CHANNEL 249A (AL & AP 246A) SNYDER, TEXAS**  
**[DEPICTING SPACING FOR SUBSTITUTION OF CH 249A FOR CH 246A AT SNYDER]**  
**(USING ALLOTMENT OF CH 246A COORDINATES AS REFERENCE)**

32 43 04 N.				Class A				Search Date
100 55 02 W.				Current rules spacings				12-19-98
----- Channel 249A - 97.7 MHz -----								
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin	
=====								
ALOPEN	246A	Snyder	TX	0.0	0.00	31.0	-31.00	*
AP246	246A	Snyder	TX	31.9	2.76	31.0	-28.24	*
AP246	246A	Snyder	TX	17.9	4.50	31.0	-26.50	*
AP246	246A	Snyder	TX	14.5	7.26	31.0	-23.74	*
Of No Concern:								
Present allotment & applications								
on Ch 246A at Snyder								
KGKLFM	248C1	San Angelo	TX	160.7	143.55	133.0	10.55	
KODM	250C1	Odessa	TX	229.3	156.90	133.0	23.90	
KKHR	251C2	Anson	TX	93.5	99.93	55.0	44.93	
=====								

# ENGINEERING STATEMENT

## In Support of a COUNTERPROPOSAL

MM Docket 98-198

The Joint Petitioners

### ALLOCATION STUDY - CHANNEL 249A (AP 246A) SNYDER, TEXAS

#### HIGHLAND BROADCASTERS APPLICATION (BPH-960411MB)

[DEPICTING SPACING FOR CH 249A AT HIGHLAND BROADCASTERS APPLICATION SITE]  
(NO SITE OR CLASS MODIFICATION REQUIRED)

32 44 20 N.		Class A		Search	Date		
100 54 06 W.		Current rules spacings		12-19-98			
-----	Channel	249A - 97.7 MHz	-----				
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
=====							
AP246	246A	Snyder	TX	0.0	0.00	31.0	-31.00 *
Of No Concern:							
Reference on Ch 246A							
Highland Broadcasters Application							
AP246	246A	Snyder	TX	357.7	1.94	31.0	-29.06 *
ALOPEN	246A	Snyder	TX	211.9	2.76	31.0	-28.24 *
AP246	246A	Snyder	TX	4.4	4.70	31.0	-26.30 *
Of No Concern:							
Allotment and application							
site of Ch 246A @ Snyder							
KGKLFM	248C1	San Angelo	TX	161.5	145.29	133.0	12.29
KODM	250C1	Odessa	TX	229.0	159.53	133.0	26.53
KKHR	251C2	Anson	TX	94.9	98.63	55.0	43.63
=====							

# ENGINEERING STATEMENT

## In Support of a COUNTERPROPOSAL

MM Docket 98-198

The Joint Petitioners

**ALLOCATION STUDY - CHANNEL 249A (AP 246A) SNYDER, TEXAS**  
**DELBERT FOREE APPLICATION (BPH-960409MC)**  
**[DEPICTING SPACING FOR CH 249A AT DELBERT FOREE APPLICATION SITE]**  
**(NO SITE OR CLASS MODIFICATION REQUIRED)**

32 45 23 N.			Class A				Search Date
100 54 09 W.			Current rules spacings				12-19-98
----- Channel 249A - 97.7 MHz -----							
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
=====							
AP246	246A	Snyder	TX	0.0	0.00	31.0	-31.00 *
Of No Concern:							
Reference on Ch 246A							
Delbert Foree application site							
AP246	246A	Snyder	TX	177.7	1.94	31.0	-29.06 *
AP246	246A	Snyder	TX	9.2	2.78	31.0	-28.22 *
ALOPEN	246A	Snyder	TX	197.9	4.50	31.0	-26.50 *
Of No Concern:							
Allotment & application sites							
of Ch 246A @ Snyder							
KGKLFM	248C1	San Angelo	TX	161.7	147.16	133.0	14.16
KODM	250C1	Odessa	TX	228.4	160.74	133.0	27.74
KKHR	251C2	Anson	TX	96.0	98.89	55.0	43.89
=====							

# ENGINEERING STATEMENT

## In Support of a COUNTERPROPOSAL MM Docket 98-198 The Joint Petitioners

### ALLOCATION STUDY - CHANNEL 249A (AP 246A) SNYDER, TEXAS FRANCES BEANE APPLICATION (BPH-960412ME) [DEPICTING SPACING FOR CH 249A AT FRANCES BEANE APPLICATION SITE] (NO SITE OR CLASS MODIFICATION REQUIRED)

32 46 52 N.	Class A	Search Date					
100 53 52 W.	Current rules spacings	12-19-98					
-----	Channel 249A - 97.7 MHz	-----					
Call	Ch#	City	State	Bear'	Dist'	R'grd	Margin
=====	=====	=====	=====	=====	=====	=====	=====
AP246	246A	Snyder	TX	0.0	0.00	31.0	-31.00 *
Of No Concern:							
Reference on Ch 246A							
Frances Beane application site							
AP246	246A	Snyder	TX	189.2	2.78	31.0	-28.22 *
AP246	246A	Snyder	TX	184.4	4.70	31.0	-26.30 *
ALOPEN	246A	Snyder	TX	194.5	7.26	31.0	-23.74 *
Of No Concern:							
Allotment & application sites							
of Ch 246A at Snyder							
KGKLFM	248C1	San Angelo	TX	162.2	149.62	133.0	16.62
KODM	250C1	Odessa	TX	227.8	162.89	133.0	29.89
KKHR	251C2	Anson	TX	97.6	98.76	55.0	43.76
=====							

# ENGINEERING STATEMENT

## In Support of a COUNTERPROPOSAL MM Docket 98-198 The Joint Petitioners

### ALLOCATION STUDY - CHANNEL 245A (UNUSED CH 246A) ELDORADO, OKLAHOMA [DEPICTING SPACING FOR SUBSTITUTION OF CH 245A FOR CH 246A AT ELDORADO, OK] (USING PRESENT CH 246A ALLOTMENT COORDINATES AS REFERENCE)

34 28 24 N.				Class A			Search Date
99 38 54 W.				Current rules spacings			12-19-98
----- Channel 245 - 96.9 MHz -----							
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
=====							
<b>ALOPEN 246A</b>	<b>Eldorado</b>		<b>OK</b>	<b>0.0</b>	<b>0.00</b>	<b>72.0</b>	<b>-72.00 *</b>
Of No Concern:							
Present allotment reference							
for Ch 246A at Eldorado							
<b>KVRPFM 246C1</b>	<b>Haskell</b>		<b>TX</b>	<b>186.1</b>	<b>146.37</b>	<b>133.0</b>	<b>13.37</b>
Of Note:							
Proposed substitution of Ch 246C1							
at KVRP licensed site.							
KNID.C 245C	Enid		OK	46.8	244.10	226.0	18.10
KMMLFM 245C1	Amarillo		TX	294.3	220.56	200.0	20.56
KECO 243C1	Elk City		OK	7.5	104.38	75.0	29.38
<b>KKEN.P 246A</b>	<b>Duncan</b>		<b>OK</b>	<b>88.4</b>	<b>154.39</b>	<b>72.0</b>	<b>82.39</b>
Of Note:							
Proposed Substitution of Ch 246A							
at licensed site of KKEN in							
another counterproposal filed							
in MM Docket 98-198							
=====							



**ENGINEERING STATEMENT**  
**In Support of a**  
**COUNTERPROPOSAL**  
**MM Docket 98-198**  
**The Joint Petitioners**

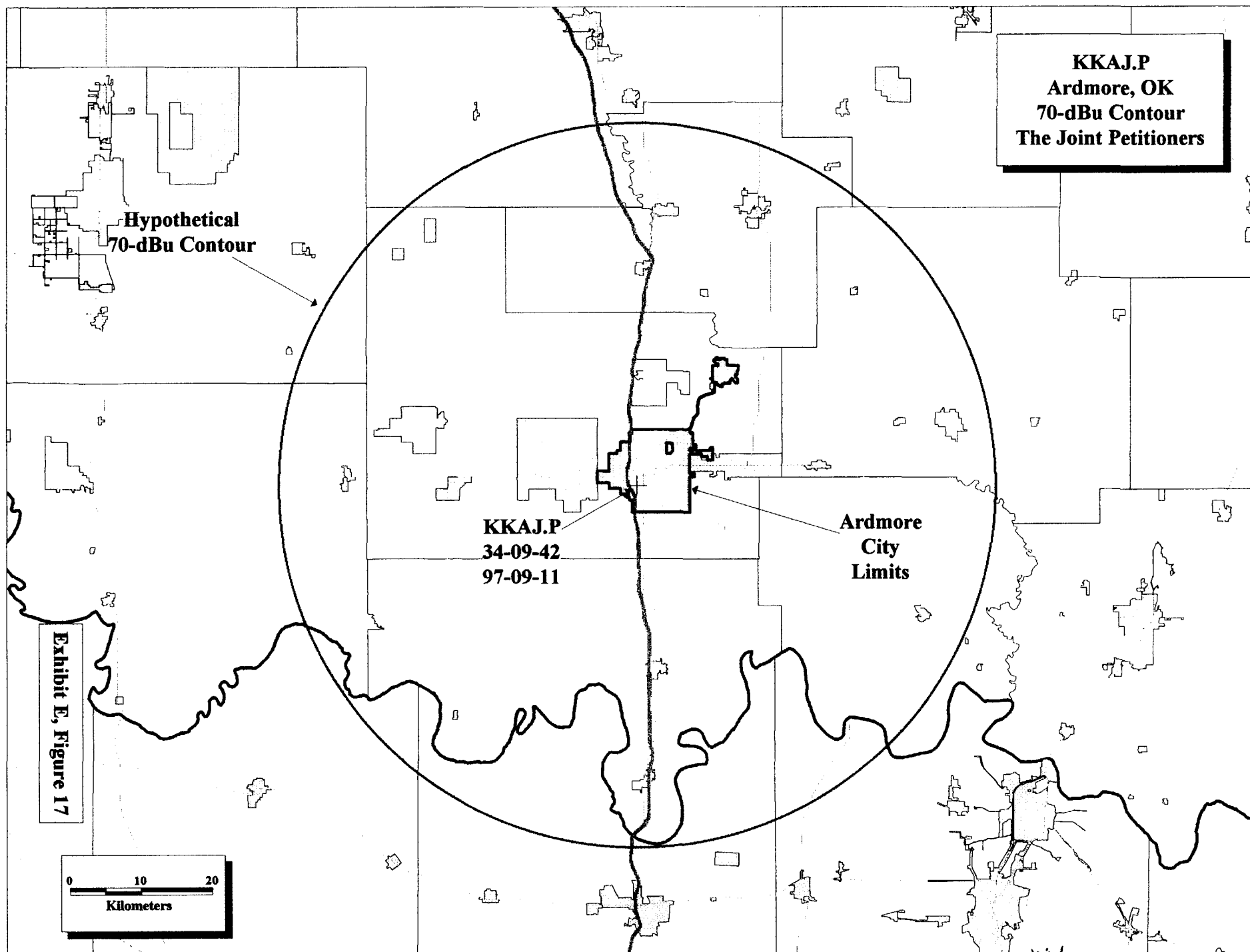
**ALLOCATION STUDY - CH 290C3 (AD 245C3) CROSS PLAINS, TX**  
**[DEPICTING CLEAR SPACING FOR SUBSTITUTION OF CH 290C3 AT CH 245C3 ALLOTMENT SITE]**  
**(USING PETITIONER'S PROPOSED ALLOTMENT SITE AS REFERENCE)**

32 07 42 N.	Class C3	Search Date
99 11 18 W.	Current rules spacings	12-19-98
----- Channel 290 -105.9 MHz -----		
Call Ch# City	State Bear' Dist' R'qrd	Margin
=====		
Community of Cross Plains	TX 94.9 2.18	
Reference Coordinates:		
North Latitude: 32-07-36		
West Longitude: 99-09-55		
ALOPEN 292C2 Abilene	TX 308.3 62.17 56.0	6.17 *
KFQXFM 292A Abilene	TX 308.3 62.17 42.0	20.17
AD236 236C3 Baird	TX 326.6 35.51 14.0	21.51
KBALFM 291A San Saba	TX 156.7 113.24 89.0	24.24
Of Note:		
Proposed Substitution of		
Ch 291A for 246A at KBAL		
In parallel counterproposals		
NL: 31-11-26, WL; 98-42-55		
KRNB.C 289C Decatur	TX 47.5 206.37 176.0	30.37
KRNB 289C Decatur	TX 47.5 206.37 176.0	30.37
KRNB.C 289C Decatur	TX 47.5 206.37 176.0	30.37
DE236 236A Eastland	TX 40.5 50.70 12.0	38.70
KHKS 291C Denton	TX 76.2 214.76 176.0	38.76
KHKS 291C Denton	TX 76.2 215.02 176.0	39.02
=====		

**ENGINEERING STATEMENT**  
**In Support of a**  
**COUNTERPROPOSAL**  
**MM Docket 98-198**  
**The Joint Petitioners**

**CHANNEL SPACING STUDY - CHANNEL 239C1 (KKAJ) ARDMORE, OKLAHOMA**  
**[DEPICTING SPACING IN INSTANT COUNTERPROPOSAL AFTER KKAJ SITE CHANGE]**  
**(USING PROPOSED KKAJ MODIFIED SITE AS REFERENCE)**

34 09 42 N.	Class C1	Search Date
97 09 11 W.	Current rules spacings	12-19-98
----- Channel 239 - 95.7 MHz -----		
Call	Ch#	City
State	Bear'	Dist'
R'qrd	Margin	
=====		
<b>Community of Ardmore</b>	<b>OK</b>	<b>43.5 4.46</b>
Reference Coordinates:		
North Latitude:		
West Longitude:		
<b>KKAJFM 239C1 Ardmore</b>	<b>OK</b>	<b>200.8 7.45 245.0 -237.55 *</b>
Of No Concern:		
Present licensed site of KKAJ		
<b>KJKB.C 238A Jacksboro</b>	<b>TX</b>	<b>226.0 132.53 133.0 -0.47 *</b>
Of Note:		
Proposed allotment of 238A for		
Ch 237A at Jacksboro		
NL: 33-19-53, WL: 98-10-54		
<b>KITX 238C2 Hugo</b>	<b>OK</b>	<b>99.9 158.00 158.0 0.00 *</b>
<b>KHYI 237C2 Howe</b>	<b>TX</b>	<b>154.4 79.00 79.0 0.00 *</b>
Of Note:		
Proposed allotment of Ch 237C2		
@ Howe for KHYI reference site		
NL: 33-31-09, WL: 96-47-05		
<b>ALOPEN 240C1 Mineral Wells</b>	<b>TX</b>	<b>209.7 188.61 177.0 11.61</b>
<b>KYXSFM 240C1 Mineral Wells</b>	<b>TX</b>	<b>209.3 191.08 177.0 14.08</b>
<b>ALOPEN 240C1 Mineral Wells</b>	<b>TX</b>	<b>210.2 193.47 177.0 16.47</b>
Of Note:		
Proposed modification of Ch 240C1		
at Mineral Wells allotment reference coordinates		
New reference, NL: 32-39-15, WL: 98-11-58		
<b>KHYI 237C3 Howe</b>	<b>TX</b>	<b>148.8 99.38 76.0 23.38</b>
<b>KYXSFM 240C3 Mineral Wells</b>	<b>TX</b>	<b>210.5 173.82 144.0 29.82</b>
<b>KQCVFM 236C Shawnee</b>	<b>OK</b>	<b>30.1 141.28 105.0 36.28</b>
<b>KWEN 238C Tulsa</b>	<b>OK</b>	<b>23.1 245.31 209.0 36.31</b>
<b>KWEN 238C Tulsa</b>	<b>OK</b>	<b>23.1 245.31 209.0 36.31</b>
<b>KXGM 293A Muenster</b>	<b>TX</b>	<b>195.1 59.61 22.0 37.61</b>
<b>KYBE 240A Frederick</b>	<b>OK</b>	<b>278.4 174.79 133.0 41.79</b>
<b>KYBE.C 240A Frederick</b>	<b>OK</b>	<b>278.4 174.79 133.0 41.79</b>
<b>KXXYFM 241C Oklahoma City</b>	<b>OK</b>	<b>347.5 151.04 105.0 46.04</b>
=====		



**ENGINEERING STATEMENT**  
**In Support of a**  
**COUNTERPROPOSAL**  
**MM Docket 98-198**  
**The Joint Petitioners**

**CHANNEL SPACING STUDY - CHANNEL 240C1 (ALOC 240C1, KYXS) MINERAL WELLS, TEXAS**  
**[DEPICTING SPACING TO ALL FACILITIES, INCLUDING INSTANT COUNTERPROPOSAL, AFTER**  
**CHANNEL 240C1 ALLOTMENT SITE MODIFICATION]**  
**(USING PROPOSED CH 240C1 MODIFIED ALLOTMENT SITE AS REFERENCE)**

32 39 15 N.			Class C1			Search Date
98 11 58 W.			Current rules spacings			12-19-98
----- Channel 240 - 95.9 MHz -----						
Call	Ch#	City	State	Bear'	Dist'	R'qrd Margin
=====						
Community of Mineral Wells			TX	31.6	21.64	
Reference Coordinates:						
North Latitude: 32-49-13						
West Longitude: 98-04-42						
KYXSFM 240C1 Mineral Wells			TX	80.7	3.80	245.0 -241.20 *
Of No Concern:						
Pending "one-step" application						
site of KXYS. No changed proposed						
ALOPEN 240C1 Mineral Wells			TX	48.1	5.12	245.0 -239.88 *
Of Concern:						
Present "one-step" allotment						
coordinates of Ch 240C1 @ Mineral Wells						
Reference site change proposed						
KYXSFM 240C3 Mineral Wells			TX	27.4	19.66	211.0 -191.34 *
Of No Concern:						
Licensed site of KYXS						
ALOPEN 237A Jacksboro			TX	3.1	62.66	75.0 -12.34 *
Of Concern:						
Instant counterproposal proposes						
Substitution of Ch 238A &						
Site change						
KCKR.C 239C2 Waco			TX	143.1	158.01	158.0 0.01 *
KJKB.P 238A Jacksboro			TX	1.3	75.12	75.0 0.12 *
Of Note:						
Instant counterproposal channel						
& Site change at						
NL: 33-19-53, WL: 98-10-54						
KDXTFM 294C Granbury			TX	158.4	45.18	41.0 4.18 *
KDXTFM 294C Granbury			TX	162.1	46.86	41.0 5.86 *
KYBE 240A Frederick			OK	338.2	207.61	200.0 7.61 *
KYBE.C 240A Frederick			OK	338.2	207.61	200.0 7.61 *
AP241 241C2 Winters			TX	252.9	166.25	158.0 8.25 *
ALOPEN 241C2 Winters			TX	252.9	166.25	158.0 8.25 *
KKAJFM 239C1 Ardmore			OK	30.6	186.13	177.0 9.13 *
KSCS 242C Fort Worth			TX	93.7	115.96	105.0 10.96
KCKL 240A Malakoff			TX	105.0	216.84	200.0 16.84
=====						

**Identifying Reference  
Coordinates Modification  
KYXS, CH240C1  
Mineral Wells, Texas  
The Joint Petitioners**

**KYXS Class  
C2 Site  
32-48-42  
98-06-11**

*Palo Pinto*

**Mineral Wells**

**Cool**

**Millsap**

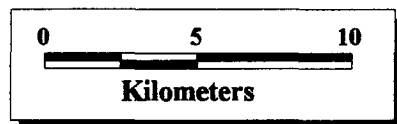
*Parker*

**CH240C1 Allotment  
Coordinates  
32-41-06  
98-09-32**

**Modified Allocation  
Reference Coordinates  
32-39-15  
98-11-58**

**KYXS Application  
Coordinates  
32-39-35  
98-09-34**

**Exhibit E, Figure 20**



**ALOPEN.P**  
**Mineral Wells, TX**  
**70-dBu Contour**  
**The Joint Petitioners**

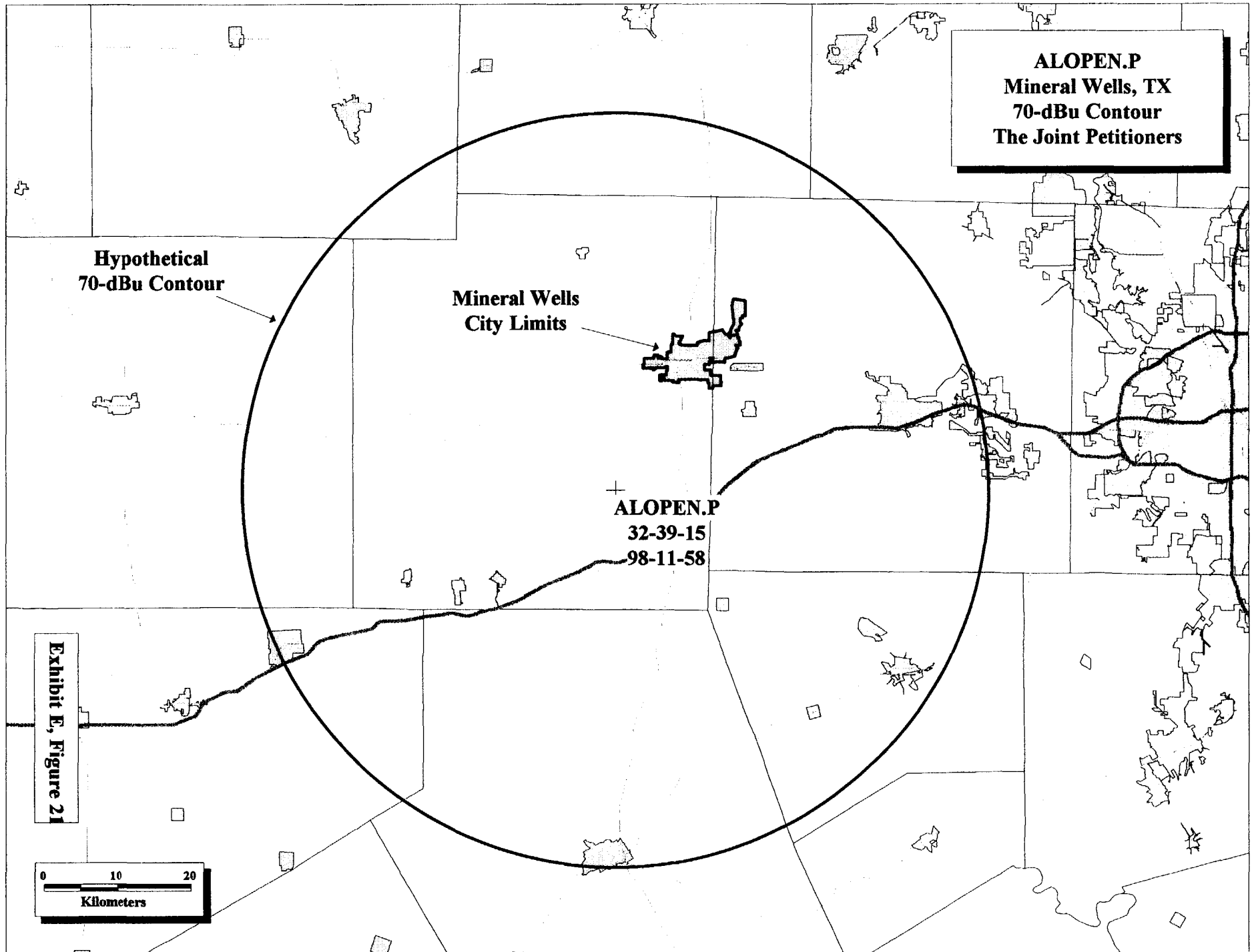
**Hypothetical  
70-dBu Contour**

**Mineral Wells  
City Limits**

**ALOPEN.P**  
**32-39-15**  
**98-11-58**

**Exhibit E, Figure 21**

0 10 20  
Kilometers



**ALOPEN.A/ALOPEN.P**  
**Mineral Wells, TX**  
**Gain/Loss Area**  
**The Joint Petitioners**

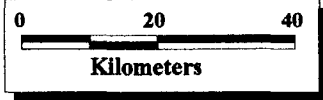
**Loss**  
**Area**

**ALOPEN.A**  
32-41-06  
98-09-32  
**ALOPEN.P**  
32-39-15  
98-11-58

**Gain**  
**Area**

**Loss Area = 739 sq. km**  
**Gain Area = 739 sq. km**  
**Pop. Loss = 100,091**  
**Pop. Gain = 4,879**

**Exhibit E, Figure 22**



# ENGINEERING STATEMENT

## In Support of a COUNTERPROPOSAL MM Docket 98-198 The Joint Petitioners

### GAIN/LOSS STUDY

<u>City</u>	<u>Loss Area (sq. km)</u>	<u>Gain Area (sq. km)</u>	<u>Pop. Loss (1999)</u>	<u>Pop. Gain (1999)</u>
Howe, Texas	657	4,363	67,195	218,892
Jacksboro, Texas	38	797	109	1,713
Mineral Wells, Texas	739	739	100,091	4,879
<u>Ardmore, Oklahoma</u>	<u>0</u>	<u>6,387</u>	<u>0</u>	<u>67,833</u>
<b>Totals</b>	<b>1,434</b>	<b>12,286</b>	<b>167,395</b>	<b>293,317</b>

**Net Area Gain: 10,852 sq. km**

**Net Population Gain: 125,922**



## STATEMENT OF ALALATEX

I, Jean Hill, a partner in ALALATEX do hereby state that I am willing to change the proposed channel allotment for Cross Plains to Channel 290C3. However, neither I nor any other principal of ALALATEX has received or will receive any payment pursuant to an agreement or otherwise from any party in this proceeding in exchange for changing channels for the proposed allotment at Cross Plains, Texas. The channel was changed in order to obtain a new channel at Cross Plains rather than trying to compete for a conflicting channel which may be denied.

I certify that these statements are true, complete and correct to the best of my knowledge and belief and are made in good faith.

  
Jean Hill, Partner

CHUCKIE BROADCASTING COMPANY  
P.O. Box 429  
Ardmore, OK 73402

December 21, 1998

Janice A. Hunt  
Hunt Broadcasting, Inc.  
1032 South Union Blvd.  
Suite 100  
Lakewood, CO 80228

Dear Ms. Hunt:

This letter will serve to indicate Chuckie Broadcasting Company's consent to the modification of the reference coordinates for KKAJ(FM), Ardmore, Oklahoma, as proposed in your FM rulemaking proposal, to:

N. Lat. 34-09-42; W. Long. 97-09-11

You are hereby authorized to submit this letter to the FCC to demonstrate Chuckie Broadcasting Company's consent to the proposed modification in KKAJ(FM)'s reference coordinates.

However, Chuckie Broadcasting Company reserves the right to withdraw its consent to this modification at any time at its sole option without liability of any kind. Should Chuckie Broadcasting Company elect to withdraw its consent, it will provide written notice to that effect both to you and to the FCC.

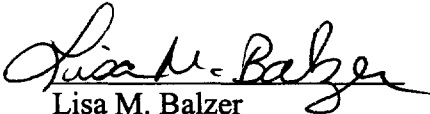
Sincerely,

Chuckie Broadcasting Company

By:   
Ken Tishoff, President

## **CERTIFICATE OF SERVICE**

I, Lisa M. Balzer, do hereby certify that on this 21st day of December, 1998, copies of the foregoing **Joint Counterproposal and Global Resolution of MM Docket Nos. 97-26 and 97-91** were mailed, postage prepaid, to the following:

* Ms. Kathleen Scheuerle Allocations Branch Mass Media Bureau Federal Communications Commission 1919 M Street, N.W. Room 712-G Washington, D.C. 20554	Rolling Plains Broadcasting Corp. Box 1118 1406 N. First Haskell, TX 79521 (Station KVRP, Haskell, Texas)
* Robert Hayne, Esq. Allocations Branch Mass Media Bureau Federal Communications Commission 2000 M Street, NW Room 555 Washington, DC 20554	Delbert Foree 2800 34th Street Snyder, TX 79549 (Applicant at Snyder, Texas)
Erwin G. Krasnow, Esq. Verner, Liipfert, Bernhard, McPherson and Hand 901 15th Street, NW Washington, DC 20005-2301 (counsel to Graham Newspapers, Inc.)	Frances Beane 7912 Joliet Lubbock, TX 79423 (Applicant at Snyder, Texas)
John F. Garziglia, Esq. Patricia M. Chuh, Esq. Pepper & Corazzini, L.L.P. 1776 K Street, NW Suite 200 Washington, DC 20006 (counsel to K95.5, Inc.)	Highland Broadcasters P.O. Box 628 Lake Havasu City, AZ 86405 (Applicant at Snyder, Texas)
Jean Hill ALALATEX 6101 Bayou Road Mobile, AL 36605 (Petitioner for Cross Plains, Texas)	
Chuckie Broadcasting Co. Station KKAJ Mr. Kenneth Taishoff, President P.O. Box 1609 Ardmore, OK 73402	 Lisa M. Balzer